



CANNON BUILDING  
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STATE OF DELAWARE  
**DEPARTMENT OF STATE**  
DIVISION OF PROFESSIONAL REGULATION

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MEETING MINUTES:	<b>BOARD OF CHARITABLE GAMING</b>
MEETING DATE AND TIME:	<b>Thursday, March 1, 2012 at 1:00 p.m.</b>
PLACE:	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room B</b> , second floor of the Cannon Building
APPROVED:	April 5, 2012

**MEMBERS PRESENT**

James Greene, Chairman, DE Volunteer Fireman's Association Member  
Deborah Messina, Vice Chair, Public Member  
Janet Williams-Coger, Non-Profit Member  
Sharon McDowell, Public Member

**MEMBERS ABSENT**

Scott Angelucci, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Robert Willard, Deputy Attorney General  
Sandra Wagner, Administrative Specialist III  
Pamela Zickafoose, Executive Director, Service Team A  
Kay Warren, Deputy Director  
Jean Betley, Lead Investigator

**ALSO PRESENT**

Frank Long  
Jack Vogel, Harrington Fire Company  
Chip Thompson, Charitable Games of Delaware  
Clinton Bunting, Charitable Games of Delaware  
Carol Torre, Full House Poker  
Adam Torre, Full House Poker  
Susan Matthews, Delaware Association of Police  
William Sevfert, First State Harmonizers

**CALL TO ORDER**

Mr. Greene called the meeting to order at 1:02 p.m.

**REVIEW AND APPROVAL OF MINUTES**

The Board reviewed the meeting minutes of February 2, 2012. Ms. Messina made a motion, seconded by Ms. Williams-Coger to approve the minutes as presented. The motion passed unanimously.

**Introductions**

At Mr. Greene's request, the members of the public introduced themselves for the Board.

## **UNFINISHED BUSINESS**

### **Final Denials**

#### **New Candlelight Productions (fees)**

Ms. Messina re-reviewed the application. Ms. Messina made a motion, seconded by Ms. McDowell, to finally deny the raffle application of New Candlelight Productions for failure to pay the outstanding processing fees. The motion passed unanimously.

### **Re-Review of Contingent Approvals and PTD Applications**

#### **Sussex County AMVETS Post 2 (prize list)**

Ms. Messina re-reviewed the application. Ms. Messina made a motion, seconded by Ms. McDowell, to propose to deny the application of Sussex County AMVETS Post 2 for failure to submit an acceptable prize list. The motion passed unanimously.

### **Joint Sunset Review**

Ms. Warren commented that the bill for Charitable Gaming has been submitted to the Joint Sunset Committee. Ms. Warren added that the bill did not include provisions for emergency suspension as previously discussed; the Division elected not to move forward with emergency suspension provisions for any Boards this year. Mr. Greene and Ms. Messina questioned why the Division initially chose to add the emergency provisions to the bill, and then decided to remove them. Ms. Warren responded that it's a fairly new process afforded to the statute of several state boards and that the Division needs more time working with the process before applying it to other boards. Ms. Messina questioned and Ms. Warren confirmed that the Board is scheduled for a hearing before the Joint Sunset Committee on March 15, 2012. Mr. Willard and Ms. Warren confirmed that they will both be in attendance at the hearing.

## **NEW BUSINESS**

### **Executive Session**

None

### **Board Member Reports**

None

### **Discussion of Letter**

Mr. Greene stated that a letter was recently mailed from the Division to charitable organizations, and that after review, the Board believed the letter contained misinformation and misinterpretations of the Board's Rules and Regulations. Mr. Greene added that the Board would like another letter mailed to charitable organizations rescinding some of the information contained in the previous letter. Mr. Willard questioned what the Board's issues were with the original letter that was mailed. Ms. Messina stated that the Board's issues were mainly in the last paragraph of the letter which read, "retail prize of each bingo game and/or raffle drawing...even if a prize is donated or discounted...indeterminate prize values such as 50/50, varies, or depends on number of players will not be accepted and will cause your application to be delayed or denied." Ms. Messina stated that many organizations were confused about the language and questioned whether they had to submit an application for every 50/50 raffle drawing. Ms. Messina added that "varied" is allowable as a prize amount.

Executive Director, Dr. Pamela Zickafoose, addressed the Board regarding the letter, which she stated was composed from the collective efforts of the Board's service team. Dr. Zickafoose directly addressed Ms. Messina's concerns previously expressed in an email:

- Ms. Messina's concern: Under the topic *Card Arrangement*, please use wording of 4.14.9 "any other configuration...."
  - Dr. Zickafoose' response: The letter said "etc" which means there are other examples in the rules.

- Ms. Messina's concern: Please remove the "indeterminate prize values" sentence. We do not issue permits for 50/50's and this has caused major confusion and initiated phone calls from organizations to me.
  - Dr. Zickafoose' response: The exact wording used in the letter regarding indeterminate prize values came from the Board's current Bingo application form, and is stated in 3 places on the application: the instructions page, the application itself, and Addendum A. The Division does occasionally receive applications for Bingo with a 50/50 raffle.
- Ms. Messina's concern: If you are going to speak at all about raffles, should be defined as "102" cost of more than \$10 for a single draw or \$15 or more for a series of drawings for clarity.
  - Dr. Zickafoose' response: The Rules state that the cost of a single raffle ticket must be more than \$5, not \$10. Ms. Messina agreed.
- Ms. Messina's concern: 4.19 of the Bingo Rules clearly explains the "varies" the issued license must so specify. I certainly hope that charitable groups have not been turned away previously as this letter states, "will not be accepted and cause your application to be delayed and/or denied." This is not something the group can change their mind on at the time play starts, but organizations can certainly get permits for such bingo events.
  - Dr. Zickafoose' response: There have been no groups turned away. Ms. Messina is correct and the letter should have stated "may be delayed and/or denied" rather than "will be."

After addressing Ms. Messina's issues, Dr. Zickafoose advised the Board that her recommendation was to not send another letter, as it would be more confusing to the organizations. Dr. Zickafoose added that the Board office received very few phone calls regarding the letter, with only one about the Member in Charge requirements, while Ms. Messina added she received "lots of them." Dr. Zickafoose commented the team sends operational-type letters as a matter of routine for other boards within the Division. However, she confirmed to the Board that no letters will be sent without prior approval of the Board in the future. Ms. Messina stated that the Board was not aware that the letter was being sent and she found out about the letter from the president of her firehouse. Ms. Messina added that the letter was signed "Sincerely, Delaware Board of Charitable Gaming," which meant her name was technically on the letter. Ms. Messina questioned, and Dr. Zickafoose responded that it would not be in the Board's best interest to send another letter to the organizations clarifying the information in the original letter, since the Board office has not seen complaints or confusion among the licensees. Ms. Messina stated that she was "okay with that," and reiterated that no future letters should be mailed without the review of at least one Board member.

Dr. Zickafoose stated that "everyone is now aware, on our team and throughout the Division, that everything will be approved in future correspondence." Mr. Greene stated he has been told many times by Director Collins that the Board of Charitable Gaming is completely different than any other Board. Dr. Zickafoose confirmed she was aware of their uniqueness and she had heard this many times herself.

Ms. Wagner stated that an organization wanted to submit a list of 40 or so members who could potentially be a Member In Charge of a gaming event, and that we don't have the capability to input 40 or so names in our licensing database. Ms. Messina stated that the Board has previously asked for only two names. Ms. Wagner advised that the gaming inspectors are specifically looking for the Member In Charge of an event as listed on the application. Mr. Greene and Ms. Messina agreed that no more than two names should be allowed.

During the discussion regarding Members In Charge, Lead Investigator Jean Betley asked for clarification that the Board will allow organizations to use "varies" as an acceptable prize value. Ms. Messina advised that organizations may apply for a varied-amount bingo, but it has to be listed on the application. Organizations may not change the prize values at the last minute, based on the number of people who attend. Ms. Wagner stated that if "varies" is listed as a prize value on Addendum A, then gaming inspectors cannot confirm the value of the prize awarded. Ms. Betley recommended that rather than "varies" as a prize value, the organizations should list something more specific, such as "no more than \$80" for example. This would allow the

inspectors to confirm that the \$250 individual prize limit and the \$1250 total prize limit is not exceeded. Ms. Messina agreed.

#### **Delegation of Authority**

Milford Elks (bingo date change – approved by J. Greene)

Pot-Nets Homeowners Association (bingo date change – approved by J. Greene)

Christiana Fire Company (bingo prizes & order of games played – approved by J. Greene)

Midway Lions (issue CG permits without updated IRS confirmation letter – approved by J. Greene)

Ms. Messina made a motion, seconded by Ms. McDowell, to ratify the application changes approved by Jim Greene under delegation of authority for Milford Elks, Pot-Nets Homeowners Association, Christiana Fire Company and Midway Lions. The motion passed unanimously.

Mr. Greene stated that a couple of months ago, per a request from the Division, the Board agreed to request updated IRS documentation from organizations. Mr. Greene advised that some organizations are confused about what documentation to request when they contact the IRS. Ms. Messina stated that if an organization calls the Board office, the staff will assist them by providing the IRS's telephone number and what specific information to request. Mr. Greene recommended that the Board set a cut-off date for organizations to comply with the request for updated IRS documentation. Ms. Messina recommended 6 months, and confirmed for Ms. Wagner that she meant 6 months from March 1, 2012. Ms. Warren asked if the organizations had been notified of the Board's request for updated IRS documentation. Ms. Wagner confirmed that any organization who has applied for a gaming permit since sometime in November 2011 has been emailed regarding the Board's request for a 501c confirmation letter dated within the past 12 months. Notifications are emailed to organizations as their applications are received. The request was also noted on the letter that was recently mass-mailed to organizations regarding application requirements (as mentioned above). Ms. Messina made a motion, seconded by Ms. McDowell, that the Board allow 6 months from March 1, 2012 for organizations to submit an updated 501c confirmation letter from the IRS. The motion passed unanimously. Per Mr. Greene's recommendation, a letter will be mailed to the organizations notifying them of the cut-off date. Ms. Wagner questioned, and Mr. Greene confirmed that the Division has permission to mail the letter without Board review.

#### **Review of Applications for Texas Hold'Em Tournaments** - None

#### **Review of Applications for Charitable Gaming Events**

Knights of Columbus Father Vincent R. Capodanno Assembly 2413 (IRS 3<sup>rd</sup> notice)

Lewes Little League (IRS 2<sup>nd</sup> notice)

VFW Post 2931 Georgetown-Ellendale (IRS 2<sup>nd</sup> notice)

Fraternal Order of Police Lodge 2 (IRS 2<sup>nd</sup> notice)

VFW Post 7447 Rehoboth Beach (IRS 2<sup>nd</sup> notice)

Ms. Messina reviewed the applications. Ms. McDowell made a motion, seconded by Ms. Williams-Coger, to approve the charitable gaming applications of Knights of Columbus Father Vincent R. Capodanno Assembly 2413, Lewes Little League, VFW Post 2931 Georgetown-Ellendale, Fraternal Order of Police Lodge 2, and VFW Post 7447 Rehoboth Beach. The motion passed unanimously.

Rehoboth Cooperative Preschool (1<sup>st</sup> time app)

Ms. Messina reviewed the application. Ms. McDowell made a motion, seconded by Ms. Williams-Coger, to approve the first-time charitable gaming application of Rehoboth Cooperative Preschool. The motion passed unanimously.

#### **Review of Applications for Instant Bingo Events** - None

#### **Review of Applications for Bingo Events**

Nanticoke Memorial Hospital (IRS 2<sup>nd</sup> notice)

Siegel Jewish Community Center (1<sup>st</sup> time bingo app)

Ms. Messina reviewed the applications. Ms. McDowell made a motion, seconded by Ms. Williams-Coger, to approve the bingo applications of Nanticoke Memorial Hospital and Siegel Jewish Community Center. The motion passed unanimously.

Sgt. William Lloyd Nelson VFW Post 3792 (promo giveaways)

St. Elizabeth Ann Seton Parish (promo giveaways)

Ms. Messina reviewed the applications. Ms. McDowell made a motion, seconded by Ms. Messina, to approve the bingo applications of Sgt. William Lloyd Nelson VFW Post 3792 and St. Elizabeth Ann Seton Parish. The motion passed unanimously.

Laurel Lioness Club (door prizes / promo giveaways / raffle?)

Ms. Messina reviewed the application. Ms. McDowell made a motion, seconded by Williams-Coger, to approve the bingo application of Laurel Lioness Club. The motion passed unanimously.

### **Review of Applications for Raffles**

Delaware Italian American Education Association (1<sup>st</sup> time raffle app, record keeper's contact info)

Ms. Messina reviewed the application, and made a motion, seconded by Ms. McDowell, to approve the raffle application of Delaware Italian American Education Association contingent upon receipt of satisfactory contact information for the designated Record Keeper. The motion passed unanimously.

### **Review of Request to Change Approved Event**

American Legion Auxiliary #17 (time)

Ms. Messina reviewed the application. Ms. Messina made a motion, seconded by Ms. McDowell, to approve the time change requested by American Legion Auxiliary #17. The motion passed unanimously.

Milton Fire Department (prize list)

Ms. Messina reviewed the application. Ms. Messina made a motion, seconded by Ms. McDowell, to approve the requested prize list change of Milton Fire Department. The motion passed unanimously.

Bowers Fire Company (promo giveaways, date, mbrs in charge)

Ms. Messina reviewed the application. Ms. Messina made a motion, seconded by Ms. Williams-Coger, to approve the changes to the promotional giveaways, date, and Members In Charge requested by Bowers Fire Company. The motion passed unanimously.

### **Inclement Weather/State of Emergency Request** - None

### **Approval of Licensure List**

Ms. Williams-Coger read aloud the raffle licensure list. Ms. Williams-Coger made a motion, seconded by Ms. McDowell, to approve the raffle applications of Salesianum School (2), Children & Families First, Horsey Family Youth Foundation, Henry Francis DuPont Winterthur Museum, St. Anthony of Padua Church, St. Nicholas Ukrainian Catholic Church (3), Ministry of Caring Inc, Serviam Girls Academy Inc, Sanford Home & School Association, and Delaware HIV Services Inc dba Delaware HIV Consortium. The motion passed unanimously.

### **Ratification of Charitable Gaming Event Permits Issued**

Ms. McDowell read aloud the charitable gaming ratification list. Ms. McDowell made a motion, seconded by Ms. Williams-Coger, to ratify the licensure of Newark Senior Center, Kiwanis Club of Georgetown, CAMP Rehoboth, CATS Around Town Society, Brandywine Community Rescue Council Inc, Friends for Rescue and Pet Care, Metropolitan Community Church, KOC-Father Vincent Capodanno #2413, VFW 7447 Rehoboth Beach Ladies Auxiliary, Delaware Center for the Inland Bays, Just Us, Delaware Diamonds White Fastpitch, Safe Haven Animal Sanctuary, Homeless Cat Helpers, St. Elizabeth Ann Seton Parish, Rehoboth Beach Lions Club, Big Brothers Big Sisters, Ducks Unlimited, Dalmatian Rescue, Fraternal Order of Police Lodge 10, Surfrider Foundation, SkimUSA, Rehoboth Beach Main Street, Delaware Manufactured Homeowners Association, Debra L. Sipple

Memorial, Minquadale Fire Company Inc Number 1, Delaware SPCA, Read Aloud Delaware, and St. Helena Roman Catholic Church (carnival). The motion passed unanimously.

#### **Ratification of Bingo Event Permits Issued**

Ms. Williams-Coger read aloud the bingo ratification list. Ms. Williams-Coger made a motion, seconded by Ms. McDowell, to ratify the bingo licensure of Bowers Fire Company Auxiliary, St. Polycarp Church, Indian River High School FFA, Holy Rosary Roman Catholic Church, Frederica Volunteer Fire Company, Lewes Senior Center, Milton Fire Department Ladies Auxiliary, Bridgeville Fire Company Auxiliary, Seaford Elks 2458, Harrington Fire Company, Milford Elks 2401, Friends for Rescue and Pet Care, Nanticoke Memorial Hospital, Christiana Fire Company, Pot-Nets Homeowners Association, Nanticoke Senior Center, Kiwanis Club of Greater Millsboro, Ladies of the Delaware City Fire Company, and Debra L. Sipple Memorial. The motion passed unanimously.

#### **Hearings/Consent Agreements**

Mr. Greene stated that Complaint 22-02-11, of which he is the assigned Board Contact, still has a pending hearing before a DPR Hearing Officer. Mr. Greene would like Ms. Wagner to find out from the Hearing Officer where this complaint is in the process.

#### **Complaint Assignment and Status**

Mr. Greene stated that Complaint 22-01-12 has been assigned to Mr. Angelucci.

#### **Inspection Reports**

##### **Delaware Veterans Post 2**

The Board reviewed the Inspection Report of Delaware Veterans Post 2. Ms. Messina stated that Delaware Veterans Post 2 had 3 violations and summarized them for the public.

##### **Knights of Columbus, Christopher Columbus Council #3182**

The Board reviewed the Inspection Report of Knights of Columbus, Christopher Columbus Council #3182. Ms. Messina stated that Knights of Columbus, Christopher Columbus Council #3182, had 9 violations and summarized them for the public.

##### **Oak Orchard Riverdale American Legion Post 28**

The Board reviewed the Inspection Report of Oak Orchard Riverdale American Legion Post 28. Ms. Messina stated that Oak Orchard Riverdale American Legion Post 28 had 5 violations and summarized them for the public.

##### **Milton Century Club**

The Board reviewed the Inspection Report of Milton Century Club. Ms. Messina stated that Milton Century Club had 2 violations and summarized them for the public.

##### **Indian River Senior Center**

The Board reviewed the Inspection Report of Indian River Senior Center. Ms. Messina stated that Indian River Senior Center had 5 violations and summarized them for the public.

##### **Kiwanis Club of Georgetown**

The Board reviewed the Inspection Report of Kiwanis Club of Georgetown. Ms. Messina stated that Kiwanis Club of Georgetown had 9 violations and summarized them for the public.

##### **Pot-Nets Homeowners Association**

The Board reviewed the Inspection Report of Pot-Nets Homeowners. Ms. Messina stated that Pot-Nets Homeowners Association had 2 violations and summarized them for the public.

### SkimUSA

The Board reviewed the Inspection Report of SkimUSA. Ms. Messina stated that SkimUSA had 6 violations and summarized them for the public.

Ms. Betley stated that the events for Kiwanis Club and SkimUSA were held with two third-party vendors, and that both vendors (Charitable Games of Delaware and Full House Poker) had been advised during previous inspections that there was no tipping allowed. Ms. Betley added that both of the third-party vendors continue to accept tips for their dealers, and these inspections reflect the second warning for both vendors. Ms. Messina stated "when they get the third one, they're not going to like it".

There was discussion between the Board, Ms. Betley, Adam Torre, Carol Torre, and Clinton Bunting regarding tipping. Regarding "no tipping" signage, Mr. Greene stated that it does not have to be on the table, as long as it is posted in the general area. Regarding "donations" or tip cups, the Board agreed all monies should go into one "drop", and not a separate space. Donations for the charities are acceptable. Tipping of the dealers is prohibited.

The Board recognized Mr. Bunting and Mr. Thompson of Charitable Games, who addressed concerns to the Board regarding how inspectors are paid, whether a charitable gaming inspector who also works for the State Lottery office has a conflict of interest, Members In Charge, and conflicting interpretations of the Board's statute and rules. Ms. Warren, Ms. Betley, Mr. Willard and the Board addressed their concerns. After discussion, Ms. Messina made a motion, seconded by Ms. Williams-Coger, to amend the application forms to include a list of three primary Members In Charge (MIC), at least one of which must be present during the event, and the possibility of an additional two alternate MICs to be listed on a separate sheet of paper attached to the application and used as substitutes for a primary MIC in the event that a primary MIC cannot attend the event. Ms. Wagner will explain this application change in the letter she drafts regarding the Board's request for updated IRS documentation. Mr. Greene must approve the letter prior to mailing. The motion passed unanimously.

Mr. Torre stated that Kiwanis Club received a Letter of Concern regarding its most recent 9 violations; however, Full House Poker did not receive a copy of the letter. Ms. Betley and Mr. Greene stated that Mr. Torre was not provided with a Letter of Concern because he is not the licensee. Mr. Torre asked if he could find out what the 9 violations were specifically. Mr. Willard stated, and Mr. Greene agreed, that Mr. Torre will need to request a copy of the letter from the licensee, not the Board.

### **Responses from Organizations Regarding Inspection Reports**

Adas Kodesch Shel Emeth

Mamie Warren Senior Center

The Board reviewed the response letters from Adas Kodesch Shel Emeth and Mamie Warren Senior Center. No motion was necessary.

### **OTHER BUSINESS BEFORE THE BOARD**

Request from Dennis Nealen of Lewes Senior Center to Revise Regulations to Allow Bingo Games to Begin at Noon Rather Than 1:30 p.m.

Ms. Messina read aloud the written request from Mr. Nealen. The Board previously discussed this change at its January meeting, and has presented draft language in the form of a Bill to the Joint Sunset Committee, since it is still under JSC review.

### **PUBLIC COMMENT**

There was no additional public comment.

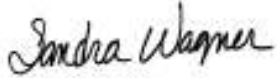
### **NEXT MEETING**

The next scheduled Board meeting is April 5, 2012 at 1:00 p.m., at 861 Silver Lake Boulevard, Cannon Building, Conference Room B, Dover, Delaware.

**ADJOURNMENT**

There being no further business before the Board, Ms. Messina made a motion, seconded by McDowell, to adjourn the meeting at 2:50 p.m. The motion passed unanimously.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Sandra Wagner".

Sandra Wagner  
Administrative Specialist III

*The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.*